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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

Robert SKVORECZ

GROUP: 3632

SERIAL NO.: 09/772,278

EXAMINER: LE, TAN

FILED: March 15, 2001

FOR: WIRE CHAFING STAND

AMENDMENT

Assistant Commissioner of Patents
& Trademarks
Washington, DC 20231

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GROUP 3600

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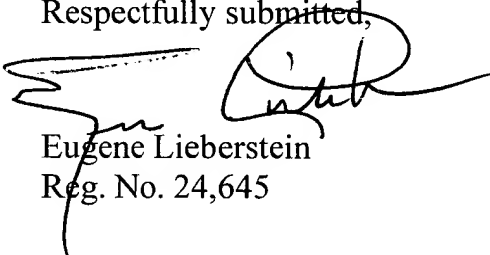
This is in response to the Final Rejection dated December 16, 2002. Kindly deduct any fee due in connection with this matter from Deposit Account No. 01-1944.

Attached hereto is a Supplemental Reissue Oath/Declaration under 37 CFR 1.175(b)(1) with new claim 7 fully underlined as requested by the Examiner in paragraph 3 of the office action. The Supplemental Reissue Oath/Declaration also identifies applicant's post office address and further states applicant's duty to disclose all information that application is aware of, under 37 CFR 1.56. Accordingly, applicant now believes that the Reissue Oath/Declaration should be entered and the objection to the Reissue Declaration as defective should be withdrawn.

Should the Examiner desire any further changes to the Reissue Oath/Declaration, applicant would appreciate a telephone call from the Examiner at 212-278-1000, to facilitate the approval of the Reissue Declaration.

Also attached by use of a separate letter is a Notice Of Appeal using Form PTO/SB/31. The Notice Of Appeal is being filed because the Examiner continues to reject the claims under a legal principle based upon "recapture" which applicant believes is being misapplied in the subject application and is without merit. Apparently, the Examiner believes that having restated the entire claim in the Notice of Allowance forecloses the filing of a reissue application because of the broadening of the doctrine of "recapture". Alternatively, the Examiner argues that the guidelines for "recapture" do not permit enlarging the scope of the claim within the meaning of 35 USC 251 if the broadening feature **relates** to the subject matter surrendered during prosecution. Applicant believes the Examiner has misinterpreted the recapture doctrine which can only be resolved at the Board of Appeals. Applicant's Brief on Appeal will follow within two months.

Respectfully submitted,


Eugene Lieberstein
Reg. No. 24,645

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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner of Patents & Trademarks, Washington, DC 20231 on March 13, 2003.


Date: March 13, 2003